IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1244 (S/S) of 2005

Smt. Shanti Tamta,
aged about 47 years,
Wife of Sri S.L. Tamta,
Resident of village – Jawahar Jyoti Damuadhunga,
Behind Hydel Kathgodam,
District- Nainital. ……Petitioner.

V e r s u s.

1. State of Uttaranchal, through Principal Secretary, Medical Department, Civil Secretariat, Dehradun.
2. Chief Medical Officer, Nainital.

……Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Paresh Tripathi, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has challenged the transfer order dated 30.06.2005 passed by respondent no. 2 i.e. Chief Medical Officer, Nainital by which the petitioner, who is working as Female Health Worker, has been transferred form Primary Health Centre Motahaldu, Sub Centre – Kunwarpur to Primary Health Centre, Dhari, Sub Centre – Paharpani on administrative ground.

The ground on which the petitioner has challenged the transfer order is that there is no allegation at any point of time that petitioner has misbehaved with higher officials or there is any allegation that she is not taking interest in the work. Further there is no complaint from any quarter against the

petitioner. No disciplinary proceeding against the petitioner is continuing, pending or even contemplated and as such, no action can be taken against the petitioner on administrative ground. Even then the petitioner has been transferred on administrative ground just to accommodate other person in place of petitioner and as such, the impugned transfer order is illegal and based on malafides.

Learned counsel for the petitioner has submitted that petitioner's husband is suffering from fracture in spinal cord and is unable to discharge his routine work without the help of the petitioner and petitioner is suffering from malignancy in Uterus and is to be operated very soon.

Learned counsel for the petitioner has further submitted that till date the impugned transfer order has not been served upon the petitioner and she is still working at present place of posting.

In view of the aforesaid circumstances, I direct the petitioner to make a representation raising all her grievances before respondent no. 2 i.e. Chief Medical Officer, Nainital, within a period of ten days from today and respondent no. 2 shall decide the same within a period of three weeks from the date of receipt of certified copy of this order along with representation. Till the decision is taken on the representation of the petitioner by the respondent no. 2, petitioner shall not be relieved, in case, she has not already been relieved.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

September 1, 2005
SKSharma